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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,489	03/18/2005	Ronaldus Maria Aarts	NL 020901	6386

24737 7590 07/31/2007
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

LAO, LUN S

ART UNIT	PAPER NUMBER
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2615

MAIL DATE	DELIVERY MODE
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07/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/528,489

Applicant(s)

AARTS ET AL.

Examiner

Lun-See Lao

Art Unit

2615

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 2 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


VIVIAN CHIN
SUPERVISING PATENT EXAMINER
TECHNOLOGY CENTER 3200

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argued that Tucker fails to disclose a first set of Head Related Transfer Functions being determined "based on the second set of sound signals (11), the second set of Head Related Transfer Functions and the weighted relation" (see the remark page 7 last paragraph.

The examiner respectfully disagrees. Tucker teaches (col. 4 line 45-col. 5 line 35) means (11) for determining for each signal in the second set of sound signals, a weighted (such as, 16-19 scaling factor) relation comprising at least one signal from a third set of intermediate sound signals (58) and at least one weight value (16, scaling factor). This teaching of Tucker meets the claimed limitation in which each signal in the second set of sound signals is determined by a weighted relation including at least one signal from a third set of intermediate sound signals and at least one weight value. Tucker teaches means (10) for determining a first set of Head Related Transfer Functions based on the second set of sound signals (11 to the adder 26), the second set of Head Related Transfer Functions and the weighted relation. This teaching of Tucker meets that the HRTF processor 10 is based or determined, at least in part, on the HRTF processor 11. Tucker teaches means (11) for transferring at least one signal from the third set of intermediate sound signals (58) by means (11) of at least one HRTF from said first set of Head Related Transfer Functions in order to generate at least one output (30) signal belonging to said first set of sound signals (10). This teaching of Tucker meets the claimed limitation "a first set of HRTFs is determined, at least in part, from a second set of HRTFs, and that the first set of HRTFs are applied to at least one signal from a third set of intermediate sound signals to form at least one output signal". It is noted that in Tucker, the interactions of various sets of HRTFs are carried out through the operation of the HRTF database 63, as well as the ordering processor 64 and matching processor 58. Tucker collects and stores, in database 63, sets of HRTFs (both left and right configurations) from the listeners. Such HRTFs are subsequently selected and incorporated into the weighing/scaling processing to produce the output left and right values. See, for example, fig.s 4, 6c, col. 4, line 45 - col. 5, line 35; col. 7, lines 10-15, 36-47; col. 9, lines 30-54.

Therefore, applicant's arguments are not persuasive.